IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.579 OF 2004

Om Prakash Shrivastava .. Applicant

Versus

State of Maharashtra & Ors. .. Respondents

None for applicant

Mr.U.V.Nikam, A.P.P for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd August 2006.

P.C.

. None has appeared for applicant, after this Court directed issuance of notice on 16th February 2004. Absence of the learned Advocate

for applicant was noted by this Court on 28th July 2006 and even by me on 19th August 2006. The matter was kept back in the morning session. None appeared although two advocates are on record.

2. Even otherwise, the prayer is to quash the case under T.A.D.A. being Special Case No.35 of 1994 on the ground that the trial has not commenced. Applicant is accused in several cases and his custody is not given to Mumbai police and in such circumstances, trial could not commence. However, the prosecution is taking steps for obtaining transit remand/custody of the accused, applicant before me. In the light of this statement and further because the other proceedings being pending, it is not possible to accede to the request in the application. The same is dismissed.

(S.C.Dharmadhikari, J)